

Amendment and Response

Serial No.: 10/798,616

Confirmation No.: 6205

Filed: March 11, 2004

For: DECK ASSEMBLY FOR A SELF-PROPELLED, WALK-BEHIND ROTARY LAWN MOWER

Page 4 of 7

Remarks

The Office Action of March 11, 2005 has been received and reviewed. With claims 6-13 and 25-31 having been canceled, and no claims having been added or amended, the pending claims are claims 14-24. Applicants note that the previous anticipation rejection of claims 14-23 (over Scag) and the obviousness rejection of claim 24 (over Scag in view of Sugden) have been withdrawn. Reconsideration and withdrawal of the new rejection are respectfully requested for at least the reasons set forth below.

The 35 U.S.C. § 103 Rejection

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

M.P.E.P. § 2143.

Claims 14-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Scag (U.S. Patent No. 4,146,105) in view of Sugden (U.S. Patent No. 6,192,666) and Shozo et al. (JP 2001045827 A). This rejection is traversed for at least the following reasons.

Independent claim 14 recites a deck assembly having: a deck defining a cutting chamber operable to house a cutting member, wherein the cutting chamber is bound at least in part by a rear enclosure member; and a rectangular rear discharge port located on a rear portion of the deck. The deck assembly further includes "a duct of substantially rectangular cross section extending through the rear enclosure member between the cutting chamber and the rectangular rear discharge port, the duct defining a duct axis that is substantially parallel to a longitudinal axis of the mower."

Scag discloses a drive system for a power lawn mower wherein the mower includes a mower deck 12 (see Figure 3). However, Scag fails to teach each and every element of claim 14. For example, as admitted in the Office Action, Scag fails to disclose a "duct defining a duct axis

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Page 5 of 7

that is substantially parallel to a longitudinal axis of the mower," (*Office Action*, page 4). Rather, an axis of the Scag chute 31 extends upwardly and to one side of the mower as evident in Figure 3.

It is unclear from the Office Action why claims 14-23 are rejected based upon Sugden as this document is apparently relied upon to teach a side discharge port (see *Office Action*, page 3), which is not recited in claims 14-23. Regardless, Applicant submits that Sugden does not teach or suggest the elements lacking in Scag, e.g., a duct defining a duct axis that is substantially parallel to a longitudinal axis of the mower.

The Office Action relies on Shozo et al. (newly-cited by the Office) for teaching a "rectangularly shaped rear discharge port arranged the same way as claimed," (*Office Action*, page 5). However, Applicants note that the figures of Shozo et al. do not support this assertion (no translation was provided for this Japanese-language document, so it is assumed that the Office is relying on the figures to support the rejection). For example, Figures 1, 3, 4, 5, 7, and 10 of Shozo et al. all illustrate a duct axis that extends upwardly and rearwardly, not "substantially parallel to a longitudinal axis of the mower" as claimed.

For convenience, Applicants have included an English-language Abstract of Shozo et al. (see attached Exhibit A). A review of this Abstract supports Applicants' assertion regarding the configuration of Shozo et al.'s discharge duct. For example, the Abstract states that the mower is "equipped with a discharging and guiding path R2 of *inclination position of [sic] rising toward the end, guiding mowed grass . . . upward to the rear in a housing 13.*" Emphasis added.

Accordingly, Applicants submit that no teaching is identified in Shozo et al. of a "duct defining a duct axis that is substantially parallel to a longitudinal axis of the mower" as recited in claim 14. Moreover, the figures of Shozo et al. fail to even suggest such a configuration, e.g., they clearly show delivery of cut grass in an upward direction (see Figure 1).

For at least these reasons, Applicants submit that the combination of Scag, Sugden, and Shozo et al. clearly fail to teach each and every element of claim 14 as required to establish *prima facie* obviousness. Applicants further note that there is no motivation identified in the Office Action to combine the teachings of these particular documents, (e.g., no motivation

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Page 6 of 7

identified to combine the single spindle mower configuration of Scag with the multiple spindle deck described by Shozo et al.).

In addition, Applicants note that claims 15-24 are also nonobvious not only in view of their dependence, but also because of the particular subject matter recited therein (e.g., the relative duct dimensions of claim 15 and the transmission structure of claims 18-23 are not identified in the Office Action as being disclosed by any of the cited documents).

For at least these reasons, Applicants submit that claims 14-24 are allowable. Reconsideration and withdrawal of the rejection are, therefore, requested.

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Page 7 of 7

Summary

It is submitted that pending claims 14-24 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13th day of June, 2005, at 2:45 pm (Central Time).

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